IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 9268 of 1996

Between:

P. Venkataramana, S/o. Late Ramulu, R/o. Vizianagaram

District.

... PETITIONER

AND

The District Cooperative Central Bank Ltd., Vizianagaram

District, rep. by its General Manager.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, direction or directions and directing the respondent to absorb the petitioner in the Clerical Post and to fix him in the appropriate pay-scale with effect from the date 7-1-1993, the date from which the petitioner has been officiating as a Clerk.

Counsel for the Petitioner: MR.A.SATYA PRASAD.

Counsel for the Respondent: MR.K.SRINIVASAMURTHY, STANDING COUNSEL FOR COOPERATIVE CENTRAL BANK.

The Court made the following :

-

-

-

-

ORAL ORDER:

-

Heard Sri B. Ajay Kumar, learned counsel for the petitioner and Sri K.Srinivasa Murthy, learned standing counsel for respondent bank. Writ petition is filed in substance claiming treatment as a regularly appointed clerk and fixation of pay at an appropriate pay scale as such, with effect from 7.01.1993.

The petitioner's father died in harness while working in the respondent bank. The petitioner was given compassionate appointment as attender on daily wages, on 25.09.1983. After entering service as such, he was put on consolidated pay on 20.11.1985 in the post of attender. He also claims to have been regularly appointed as an attender pursuant to an order dated 19.01.1987 and to having been put on probation. The probation was also declared to have been satisfactorily completed by proceedings dated 11.09.1988. As he had acquired graduate qualification after entering into service, he claims to have been given posting as an officiating clerk on 7.01.1993. Thereafter, whenever the petitioner was permitted to officiate as a clerk, he was given officiating pay for discharging the said functions. The petitioner acquired the graduate qualification of B.A. in the year 1989 and Post Graduate Diploma in Cooperation and Rural Studies, in 1991. He also claimed to have cleared Telugu and English typewriting higher grade examinations. Asserting that another employee by name V.Lalitamba was given a regular promotion as a clerk and claiming equal treatment, the writ petition is filed in substance seeking treatment as a regular clerk with effect from 7.01.1993, which is the date on which the petitioner was first permitted to officiate as a clerk.

It is contended by Sri K.Srinivasa Murthy, learned standing counsel for the respondent bank, on instructions, that Smt.V.Lalitamba is also continuing as officiating clerk and had not been given regular appointment as a clerk. It is further contended that as and when the petitioner is permitted to officiate as a clerk, he is paid the pay for officiating, and in the facts and circumstances, there is no warrant for treating the petitioner as having been regularly appointed as a clerk.

Nothing is pleaded, urged or demonstrated before this Court to arrive at the satisfaction that the petitioner was ever promoted or appointed on regular basis as clerk. It is also not shown to this Court that Smt.V.Lalitamba had been regularly appointed as a clerk. In view of this position under the pleadings and in view of the categorical assertion on behalf of the respondent by Sri K.Srinivasa Murthy, the learned standing counsel for the respondent, this Court discerns no factual or legal parameters warranting grant of relief as sought in this writ petition.

Writ petition is without merits and is accordingly dismissed. No costs.

_____

9th August, 2004

pan

To

1. The General Manager,
   District Cooperative Central Bank Ltd.,
   Vizianagaram District.

2) Two CD copies.